

**REMARKS**

Reconsideration of the application is respectfully requested in view of the above amendments and the following remarks:

**1) Claim Rejections – 35 U.S.C. §102**

Claims 5-6 are rejected under 35 U.S.C. Section 102(b) as being anticipated by Solomon (521). Applicants respectfully traverse this rejection.

Solomon discloses a psychotherapeutic device for use by a therapist with children, especially non-verbal or resistant children. A series of puppets depicting a character of like gender to the child is provided and each of the puppets displays a different emotion. The child reads or is read a story related to a scene and has to place the particular character puppet into the scene that exhibits the emotion that the child believes the character is feeling. Col. 2, ll. 30-47. The Solomon reference has nothing to do with a method of teaching writing, to which Applicants' claim 5 pertains. The Solomon reference does not teach or suggest or disclose "providing a writing teaching aid for teaching writing which acts as a metamorphic model for works of writing, as recited in Applicants' claim 5. Also, Solomon does not disclose representing particular aspects of writing structure with the three-dimensional representations of components of the multi-component article, as is recited in Applicants' claim 5. Nor does Solomon disclose attempting to assemble the article using the three dimensional representations of components that correspond to the writing structure used in a work of writing, as recited in

Applicants' claim 5. Quite simply, Solomon has nothing to do with the analysis of works of writing and does not disclose any of the steps mentioned above related to the analysis of works of writing.

For example, the invention as applied to a replica hamburger has a role in helping a student to write a good paragraph. Each component of the multi-component article (e.g., a hamburger) is associated with a particular aspect of paragraph writing as reflected in the chart below.

<b>Hamburger Part</b>	<b>Representative Portion Of Paragraph Structure</b>	<b>Purpose or Association of Hamburger Part to Paragraph Structure</b>
TOP BUN	Topic Sentence	Sets the purpose or theme of paragraph
CATSUP	Characters-people or animals that act out the action in a story or other writing	Shows/provides comprehension of the story line
SAUCE	Strong verbs and words	Gives a visual image for the audience and adds sophistication to the writing
BACON	Transition Words – words used to make writing ideas blend together in a well organized fashion	Enhances comprehension – To make the piece of writing to sound more interesting and natural
TOMATO	Total Package	Provides verification that the writing contains the necessary components for thorough understanding of the writing task
LETTUCE	Lots of detail	Comprehension of the reader as well as the audience; Gives the audience a visual image.
CHEESE	Check – conventions such as spelling, punctuation, capitalization, etc. Refer conventions for each grade level standard	Understanding, fluency, and publication

MEAT	Detail sentences in a paragraph	Detail sentences which include the essential characteristics of a paragraph; focus, style, and conventions
BOTTOM BUN	Closing sentence	Restates the purpose for writing

For example, if the paragraph lacks a topic sentence, the top bun would not be part of the hamburger assembled by the student using the components that correspond to the writing structure used in the paragraph, and the student would recognize that as a missing component. Similarly, if the topic sentence was in the middle of the paragraph, the hamburger would be assembled with the top bun in the wrong place in the assembly. This also would be readily recognized by the student and result in aiding the student in evaluating the writing structure of his paragraph.

#### Structure Differences

The metaphorical model of Applicants' invention preferably comprises individual hand-held, colored foam pieces, shaped and representing the components of a multi-component object. For example, the object may be a hamburger: top bun, bottom bun, meat, cheese, lettuce, tomato, onion, bacon, catsup, mustard and sauce of a hamburger. The writer also associates each foam piece with a particular aspect of writing structure. As the writer identifies writing components within a written paragraph and associates them with the three dimensional representations (e.g., foam pieces) of components of the multi-component article (i.e., top bun/topic sentences, bottom bun/closing, meat/number of sentences, cheese/check conventions,

lettuce/lots of detail, tomato/total package, onion/opinion, three bacon/three transition words, mustard/metaphors and other figurative language, sauce/strong words, catsup/character or subject), the foam pieces are placed on top of each other and in the arrangement presented in the written paragraph. Solomon's structure is different in that it is a series of six puppets, which may be formed of cloth with cotton stuffing, affixed to strings and the strings in turn affixed to loose-leaf rib. Each puppet depicts the same character, which preferably would be of like gender to the child subject, which character exhibits a facial expression displaying a particular emotion, sadness, anger, depression, confusion, satisfaction and disappointment. Each puppet is non-descript and culturally neutral so that the child subject, regardless of his/her social, cultural, racial or ethnic background could readily identify with the character figures. Within the contemplation of Solomon's invention, other color form or plastic construction may be used with emphasis on the facial expressions displaying a particular emotion: sadness, anger, depression, confusion, satisfaction and disappointment.

#### Functional Differences

Applicants' invention is a teaching aid to help a writer think through the steps of the writing process using a metaphoric association with components of a multi-component object such as a hamburger: top bun/topic sentence, bottom bun/closing, meat/number of sentences, cheese/check conventions, lettuce /lots of detail, tomato/total package, onion/opinion, three bacon/three transition words, mustard/metaphors and other figurative language, sauce/strong words, catsup/character or subject. Solomon is different in that it is a psychotherapeutic device

wherein a storybook setting depicts a traumatic event in the child's life, and through the storybook model the child is encouraged to complete the storybook by selecting a puppet figure exhibiting an emotion which the child feels is apt for the particular event in the puppet's, ergo the child's life. Specifically this invention relates to a psychotherapeutic device to assist the therapist in dealing with children, particularly non-verbal or resistant children.

Applicants' invention helps a writer make mental associations with paragraph structure through the manipulation of the pieces of the multi-component article. Assembling the components of the metaphorical model aid him/her in the construction of a complete paragraph. Solomon is different in that the therapist acquires insight into the subject child's thinking through his/her observation of the emotion that the subject child gives the selected puppet, thereby conveying the emotion felt by the subject child relative to the scene(s). Through a story telling or character model the subject child is stimulated to communicate in areas wherein the child would otherwise be reluctant to discuss. Therefore, as stated by Solomon, it is psychotherapeutic device that is a diagnostic aid to the therapist.

#### Operational Differences

Applicants' invention is a teaching tool that aids in building a written paragraph for writers of any age. Solomon is different in that it is a psychotherapeutic device which is useful with children of ages 5-12, and preferably 5-10, and is particularly useful with resistant, non-verbal and emotionally handicapped children.

Based on the above, it is respectfully submitted that Applicants' invention is not taught or

suggested by Solomon. Accordingly, Applicants respectfully request the withdrawal of this rejection.

Regarding claim 6, it depends from claim 5 and is allowable for the same reasons as claim 5, and also because claim 6 adds additional claim elements which further define Applicants' invention over the cited reference.

**2) Claim Rejections – 35 U.S.C. §103**

Claims 7–15 are rejected under 35 U.S.C. Section 103(a) as being unpatentable over Solomon (521). Applicant respectfully traverses this rejection.

Regarding Claims 7–9

For the reasons set out above, Applicants' invention is not taught or suggested by Solomon.

Claims 7-9 depend from claim 5 and are allowable for the same reasons as claim 5, and also because they add additional claim elements which further define Applicants' invention over the cited reference. For example, claim 7 recites that the components of the multi-component article are hamburger parts, which is not disclosed or suggested by the cited reference.

Claims 13-15, being identical to claims 7-9, are allowable for the same reasons.

Regarding Claims 10 - 12

Regarding claims 10 -12, Solomon fails to disclose a method of writing using a writing aid which acts as a metaphoric model for works of writing, the writing aid comprising an assembly of three-dimensional representations of components of a multi-component article, the

components representing aspects of writing structure with each component representing a defined particular aspect of writing structure, as recited by claim 10. Nor does Solomon disclose attempting to assemble the article (a multi-component article) using the three-dimensional representations of the components that correspond to the writing structure used in the work of writing, as recited in claim 10. Solomon relates to attempting to have a child express a distinct emotion using one of a series of six puppets. Col. 1, ll.55 – 65.

Accordingly, Solomon does not teach or suggest Applicants' invention recited in Applicants' claim 10.

Claims 11 – 12 depend from claim 10 and are allowable for the same reasons as claim 10, and also because they add additional claim elements which further define Applicants' invention over the cited reference. For example, Claim 11 requires editing the work of writing in view of the assembly assembled with the three-dimensional representations, and claim 12 recites the step of "using the three-dimensional representations as a checklist to determine what should be in the work of writing."

Regarding Claims 13-15

For the reasons set out above, Applicants' invention is not taught or suggested by the cited reference.

Claims 13-15 depend from claim 10 and are allowable for the same reasons as claim 10, and also because they add additional claim elements which further define Applicants' invention over the cited reference.

### **3) New Claims 16-22**

New claims 16-22 have been added to round out the coverage of the claims. New claim 16 is drawn to a method of evaluating a paragraph of text for paragraph structure, and includes the steps of identifying from the paragraph of text the presence or absence of each part of the plurality of parts of the multi-component three dimensional object by screening the paragraph of text for the presence or absence of each aspect of the plurality of aspects of paragraph structure that are represented with the plurality of parts, attempting to assemble the multi-component three dimensional object using the parts identified to be present from the paragraph of text to create an assembly, and evaluating the paragraph of text with respect to paragraph structure by viewing the assembly and comparing it with the article that is recognizable to the writer. This is not taught or suggested by Solomon.

Claims 17-22 depend from claim 16 and are patentable for the same reasons as claim 16, and further because they add additional claim elements which further define Applicants' invention over Solomon. For example, claim 17 recites the additional steps of editing the paragraph of text by adding and/or deleting text that has paragraph structure corresponding to or failing to correspond to the plurality of parts of the multi-component three dimensional object to create an edited paragraph of text, reading the edited paragraph of text, identifying from the edited paragraph of text the presence or absence of each part of the plurality of parts of the multi-



component three dimensional object by screening the paragraph of text for the presence or absence of each aspect of the plurality of aspects of paragraph structure that are represented with the plurality of parts, re-assembling the multi-component three dimensional object using the parts identified to be present from the paragraph of text to create an assembly, and re-evaluating the paragraph of text with respect to paragraph structure by viewing the assembly and comparing it with the article that is recognizable to the writer. Further examples are claims 18 and 19 which recite the step of arranging the parts of the multi-component three dimensional object identified to be present from the paragraph of text, such that the parts appear in order said parts were identified. Also, claims 20 and 22 include defining the representation step as comprising equating a top bun with a topic sentence, catsup with characters that act out the action in a story or other writing, sauce with strong verbs and words, bacon with transition words, tomato with total package or completeness of the writing, lettuce with lots of detail, cheese with checking the paragraph against conventions including spelling, punctuation, capitalization, and/or sentence structure, meat with detail sentences which include essential characteristics of a paragraph, and a bottom bun with a closing sentence. These claims are not taught or suggested by Solomon.

4) It is believed that the claims define a new, useful, and unobvious invention. Accordingly, an early Notice of Allowance is respectfully solicited.

5) If necessary, an appropriate extension of time to respond to the Official Action is respectfully requested.

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6) The Commissioner is authorized to charge any additional fee, or to credit any overpayment, to Patent Office Deposit Account No. 05-0208.

Respectfully submitted,  
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